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FILED
DISTRICT COURT OF GUAM
APR 30 2003
MARY L. M. MORAN
CLERK OF COURT

28

IN THE DISTRICT COURT FOR GUAM

TONY H. ASHTIANI,)	CIVIL CASE NO. CIV02-00032
)	
Plaintiff,)	
vs.)	DISAGREEMENT OF SCHEDULING
)	ORDER AND DISCOVERY PLAN
CONTINENTAL MICRONESIA, INC.)	
dba CONTINENTAL MICRONESIA,)	
and CONTINENTAL AIRLINES, INC.)	
)	
Defendant.)	
_____)	


Pursuant to District Court of Guam Local Rule 16.2(b), the parties hereby submit that despite their good faith efforts to do so, they have been unable to come to agreement on the section of Defendant's Proposed Scheduling Order and Discovery Plan entitled "Nature of the Case."

Also, the parties have been unable to come to agreement on whether Plaintiff may have more time to submit his Initial Disclosures under Federal Rule of Civil Procedure 26(a)(1).

Plaintiff's Proposed Scheduling Order and Discovery Plan, submitted to the Court on April 22, 2003, and Defendant's Proposed Scheduling Order and Discovery Plan, submitted to the Court on April 30, 2003, are attached hereto.

Dated this 30th day of April 2003.

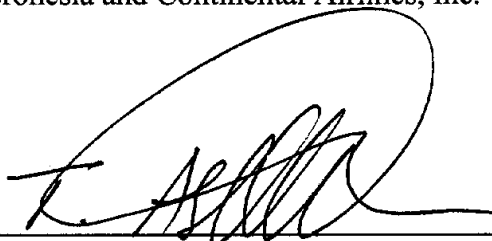
CARLSMITH BALL LLP



DAVID LEDGER
ELYZE MCDONALD
Attorneys for Defendant
Continental Micronesia, Inc. dba Continental
Micronesia and Continental Airlines, Inc.

Dated this 30th day of April 2003.

TONY ASHTIANI, PRO SE



TONY ASHTIANI, PRO SE
Plaintiff

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4 Attorneys for Defendants
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5 Mr. David Ledger
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6

7 DISTRICT COURT OF GUAM
8 TERRITORY OF GUAM
9

10 Tony H. Ashtiani,)
11 Plaintiff,) CIVIL CASE
12 Vs.) NO.: 02-00032
13 Continenetal Micronesia Inc,)
14 dba, Continental Micronesia,) Scheduling Order and
15 Continental Airlines.) Discovery Plan.
16 Defendant)
17)
18)
19)

20 Pursuant to rules 16 and 26(f) of the civil procedure, and local
21 rule 16.1 for the District of Guam, the plaintiff hereby submit
22 the following Scheduling Order and Discovery Plan:

23 1. The nature of the case is as follows:
24 Plaintiff alleges wrongful termination, breach of contract,
25 based on race, national origin, intentional discrimination,

CARLSMITH BALL

Date: 4/23/03
me: DL By: EM
Case 1:02-cv-00032

1 intentional retaliation, violation of federal statute of
2 F.M.L.A. and sales of fraudulent insurance policies. Plaintiff
3 is one of the key witnesses of this malice act, which will be
4 revealed in the discovery and depositions.

5 2.The posture of the case is as follows:

6 A) The following motions are on file:

7 (1) Motion to seize investigation, intimidation,
8 harassment, and blackmail, by the defendant.

9 (2) Amended Motion to seize cover-up in postal violation
10 of EEOC director in coordinated effort of defendant's
11 counselors in Hawaii and Guam.

12 B) The following Motions have been resolved:

13 None.

14 C) The following Discovery has been initiated.

15 Plaintiff received documents from E.E.O.C, which included
16 responses by the defendants to the investigator.

17 3. All motions to add parties and claims shall be filed on
18 Or before Jun 12, 2003.

19 4. All Motions to amend pleadings shall be filled on or
20 before Jul 09, 2003.

21 5. Status of **Discovery (Plan)** The parties do not at this
22 time anticipate extensive discovery, and do not
23 anticipate any expert witnesses.
24
25

1 A) The times for disclosures Rule under 26(a) and 26(e) of
2 the Federal Rules of Civil Procedures are modified as follows:
3 No modifications.
4

5 B) The following is a description in schedule of all
6 pretrial discovery each party intends to initiate prior to the
7 close of discovery Plaintiff: Request for the production of the
8 Documents. (if needed) Request for admission, deposition of
9 potential witnesses.
10

11 6. The Parties shall appear before the District Court On May
12 07, 2003. 3:30 P.M. (Per Court Order) for the scheduling
13 conference.
14

15 7. The discovery cut off date (defined as last day to file
16 response to discovery) is Oct 1, 2003.
17

18 8. The anticipated Discovery motions are: unknown.

19 a. All discovery motions shall be filed on or before
20 Oct 8, 2003 and heard on or before Oct 17, 2003.

21 b. The anticipated dispositive motions are: possible
22 summary Judgment motions.

23 c. All dispositive motions shall be filled on or before
24 Nov 21, 2003 and heard on or before Dec 10, 2003.
25

1 9. The prospects for settlement are: unknown at this time.

2 10. The Preliminary pretrial conference shall be held on
3 Dec 19, 2003.

4
5 11. The parties' pretrial materials, discovery material,
6 witnesses Lists, designations and exhibit lists shall be filed
7 on or before Jan 16, 2004. (Or date assigned by the court).

8 12. The proposed pretrial order shall be filed on or before
9 Jan 16, 2004.

10 13. The final pretrial Conference shall be held on Nov 21,
11 2003.

12 14. The trial shall be held on Jan 02, 2004.

13 15. The trial is a jury trail.

14 16. Is anticipated will take 4 days to try this case.

15 17. The names of Counsel are: Tony H. Ashtiani Pro Se
16 Plaintiff, Mr. David Ledger and Ms. Elyze McDonald for
17 Continental Micronesia Inc.,

18 18. The parties do wish to submit this to settlement
19 conference.

20 19. The parties present the following suggestions for
21 shortening trial: None.

22 20. The following issues will also affect the status or
23 management of this case:
24 production of documents in pursuant to Fed R Civ P. rule 34.
25

1
2 Dated this ____ day of _____, 2003.
3
4

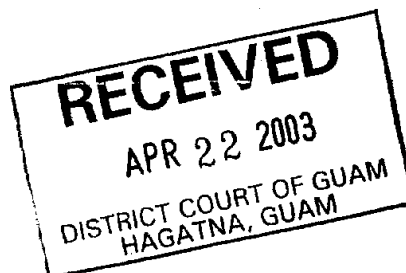
5
6 HONARABALE JOHN S. UNPINGCO
7 CHIEF DISTRICT JUDGE
8
9

10 Approved as to form and content.
11
12

13 Tony H. Ashtiani
14 Plaintiff pro se
15
16

17 David Ledger
18 Attorney for CMI/CO
19
20

21 Elyze McDonald
22 Attorney for CMI/CO
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Attorneys for Defendant
Continental Micronesia, Inc.
dba Continental Micronesia
and Continental Airlines, Inc.

IN THE DISTRICT COURT FOR GUAM

TONY H. ASHTIANI,)	CIVIL CASE NO. CIV02-00032
)	
Plaintiff,)	
vs.)	DEFENDANTS' PROPOSED
)	SCHEDULING ORDER AND
CONTINENTAL MICRONESIA, INC.)	DISCOVERY PLAN
dba CONTINENTAL MICRONESIA,)	
and CONTINENTAL AIRLINES, INC.)	
)	
Defendant.)	
_____)	

SCHEDULING ORDER

Pursuant to Federal Rules of Civil Procedure 16 and 26(f) and District Court of Guam Local Rule of Practice 16.1, the parties hereby submit the following Scheduling Order.

1. The nature of the case.

Plaintiff has filed an Amended Complaint alleging wrongful termination on the basis of race and national origin, and retaliation. Plaintiff seeks reinstatement, damages for

emotional and intentional distress and mental anguish, compensatory and punitive damages, lost income, and attorneys fees. Defendant has answered and denied the allegations.

2. The posture of the case.

(a) The following motions are on file:

(i) Plaintiff's Motion to Seize Investigation, Intimidation, Harassment and Blackmail by the Defendant.

(ii) Plaintiff's Amended Motion to Seize Cover-Up in Postal Violation of EEOC Director in coordinated effort of Defendant's Counselors in Hawaii and Guam.

(b) The following motions have been resolved: None.

(c) The following formal discovery has been initiated: Plaintiff has received documents from the EEOC.

3. All Motions to add Parties and Claims shall be on or before June 12, 2003.

4. All Motions to Amend Pleadings shall be filed not later than July 9, 2003.

5. Status of discovery. The Discovery Plan, *infra*, is adopted by the parties.

6. The parties shall appear before the District Court on May 7, 2003 at 3:30 p.m.

for the Scheduling Conference.

7. The Discovery Cutoff (defined as the last day to file responses to Discovery) is October 1, 2003.

8. (a) The anticipated discovery motions are: unknown. All discovery motions shall be filed not later than October 8, 2003, and heard October 29, 2003.

(b) The anticipated dispositive motions are: possibly summary judgment

motions. All potentially dispositive motions shall be filed on or before November 21, 2003 and heard on or before December 12, 2003.

9. The prospects for settlement are unknown.

10. The Preliminary Pretrial Conference shall be held on March 1, 2004.

11. The Parties' Pretrial Materials, Discovery Materials, Witness Lists, Exhibit Lists and Designation of Discovery Responses shall be filed on or before March 8, 2004.

12. The Proposed Pretrial Order shall be filed on or before March 15, 2004.

13. The Final Pretrial Conference shall be held on March 15, 2004.

14. The trial shall begin on March 22, 2004.

15. The trial is a jury trial.

16. It is anticipated that it will take four days to try this case.

17. The names of the counsel are:

For Plaintiff: David Ledger, Esq. & Elyze McDonald, Esq.

For Defendant: Tony H. Ashtiani, pro se

18. The parties do wish to submit this to case to a settlement conference.

19. The parties present the following suggestions for shortening trial: none at this time.

20. The following issues will also affect the status or management of the case: none at this time.

DISCOVERY PLAN

1. Depositions of lay witnesses may begin at once and be taken as needed.

The parties may call expert witnesses to testify.

2. Unless additional discovery is ordered by the Court, the parties may serve one set of interrogatories not to exceed 25 and one set of requests for admissions not to exceed 25. The parties may serve any number of requests for production of documents. Unless a shorter time is agreed to, all written discovery shall be served by a date as to afford the answering party the full response time permitted by the applicable rules prior to the Discovery Cutoff.

3. Disclosures and depositions.

a. The Initial Disclosures previously made pursuant to Fed. R. Civ. P. 26(a)(1) shall be supplemented not later than May 21, 2003.

b. Disclosure of expert testimony required under Fed. R. Civ. P. 26(a)(2) shall be made not later than August 1, 2003.

c. Subsequent designation of rebuttal expert testimony under Fed. R. Civ. P. 26(a)(2) shall be made not later than September 1, 2003.

d. Depositions of experts designated under Fed. R. Civ. P. 26(a)(2) and paragraph 3.b. above, shall be completed not later than the October 1, 2003 discovery cut-off stated above. Depositions of rebuttal experts, if any are designated under Fed. R. Civ. P. 26(a)(2) and paragraph c. above, shall be completed not later than fourteen days after the discovery cutoff.

e. Rule 26(a)(3) disclosures shall be made not later than 30 days before trial.

4. The specific subjects on which discovery will be needed are:

a. Plaintiff's allegation of wrongful termination;

b. Plaintiff's allegation of retaliation;

c. Plaintiff's allegation and calculation of damages, lost profits,

emotional and intentional distress and mental anguish;

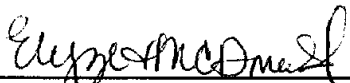
d. other subjects and issues as required.

5. Other than the 25 count limit on Interrogatories and Requests for Admissions, Plaintiff does not anticipate requiring any other changes or limitations on discovery as may be imposed under federal or Local Rules.

6. The discovery cut-off (defined as the last day to file responses to written discovery) is October 1, 2003. Depositions may be taken until the cutoff date and as provided above in paragraphs 3 and 4.

Dated this 30th day of April 2003.

CARLSMITH BALL LLP



DAVID LEDGER
ELYZE MCDONALD
Attorneys for Defendant
Continental Micronesia, Inc. dba Continental
Micronesia and Continental Airlines, Inc.

Dated this 30th day of April 2003.

TONY ASHTIANI, PRO SE

TONY ASHTIANI, PRO SE
Plaintiff

SO ORDERED this _____.

JOHN S. UNPINGCO
Chief Judge, District Court of Guam